

JUN 30 1998

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 98-00042

COUNSEL: NONE

HEARING DESIRED: NO

---

APPLICANT REQUESTS THAT:

A waiver of the six-month extended active duty eligibility requirement be approved in order for him to be considered for promotion to the grade of major by the **CY98B** Major Biomedical Sciences Corps (BSC) Central Selection Board, which convened on 6 April 1998.

---

APPLICANT CONTENDS THAT:

Due to the administrative processing of a correction to his DD Form 214, his entry on active duty was delayed. As of 6 April 1998, his extended active duty (EAD) time was five months and five days.

In support of his request, applicant submits a personal statement, copies of his DD Form 214 from the Army, his oath of office (AF Form 133) and additional documents associated with the issues cited in his contentions (Exhibit A).

---

STATEMENT OF FACTS:

Information maintained in the Personnel Data System (PDS) reveals the applicant's Total Active Federal Military Service Date (TAFMSD) as 26 January 1990 and his Extended Active Duty (EAD) date as 1 November 1997. He is currently serving on active duty in the grade of captain, with the date of rank of 2 July 1991 and the effective date of 1 November 1997.

The applicant has prior service in the Reserve of the Air Force as a commissioned officer, both active and inactive, during the period 6 June 1980 - July 1993.

The following information was extracted from the documents provided by the applicant. Applicant's DD Form 214 from the Army indicates that he served in the US Army Reserve (EAD) during the period 20 July 1993 - 19 July 1996 for a three year tour. On 19 July 1996, he was transferred to the Army Reserve in the grade

of captain. Applicant's Oath of Office (AF Form 133) reflects that, on 25 September 1997, he was appointed a captain in the Biomedical Sciences Corps (BSC), Reserve of the Air Force.

---

AIR FORCE EVALUATION:

The Officer Promotion and Appointment Branch, HQ AFPC/DPPPO, reviewed this application and recommended denial. DPPPO stated that while the applicant meets the date of rank (DOR) criteria (1 January - 31 December 1991) for consideration by the CY98B Major Biomedical Sciences Corps (BSC) Central Selection Board, he does not meet the extended active duty (EAD) requirement of 6 October 1997 or earlier. Therefore, the applicant is NOT eligible for the 6 April 1998 board. DPPPO stated that given his DOR and EAD, the applicant will be scheduled for the first board he is eligible to meet; the next major BSC board is tentatively projected for early CY99. DPPPO stated that although the applicant requests a waiver to the six-month EAD requirement because he was delayed through no fault of his own, there is no requirement for officers to be accessed onto active duty for the purpose of promotion board consideration. Since there is no accession requirement, there cannot be a delay.

DPPPO stated that the six-month EAD requirement for promotion eligibility supports the objective of the Air Force Officer Promotion program by allowing time for an officer to compete with his or her peers in a fair and competitive selection process. Waiving the six-month EAD requirement may not necessarily afford the applicant a fair opportunity to compete for promotion. DPPPO indicated that waiving the six-month EAD requirement will allow the applicant an advantage not offered to others in similar situations (Exhibit C).

---

APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

The applicant reviewed the advisory opinion and indicated that his date of rank is based on military service not constructive credit. The six-month EAD requirement protects officers who may have been given a lot of constructive credit for civilian experience (reflected by DOR) from being passed over due to lack of military experience (OPRs, etc). He has a strong military record and has five months and five days credit toward the six-month requirement. He would have easily met the six-month EAD rule if his recruiter had not given him false information back in July 1997. He is not requesting a waiver to the six-month rule for the purpose of promotion consideration. He only found out of his eligibility for promotion consideration 30 days after coming on active duty when he was notified that he was in the primary zone for the 6 April 1998 board. In support of his request, he provided a copy of AETC Form 1385 (Health Profession Application

Status), which shows that the recruiter noted the DD Form 214 discrepancy and contacted the Army Personnel Center on 5 August 1994. A complete copy of this response is appended at Exhibit E.

---

THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Sufficient relevant evidence has been presented to demonstrate the existence of probable injustice. After reviewing the circumstances of this case, we are persuaded that the delay in applicant's entry on extended active duty (EAD) was through no fault of his. We believe that, had the DD Form 214 discrepancy been corrected shortly after it was discovered by the recruiter on 5 August 1997, the applicant would have reported to active duty as initially scheduled. We believe the applicant took extraordinary steps to ensure that the discrepancy was corrected. In our opinion, the applicant has been the victim of an injustice in that the bureaucracy failed to process his paperwork in a timely manner. We believe the applicant will be afforded proper and fitting relief by granting his waiver request and that he meet a Special Selection Board (SSB) for promotion consideration to the grade of Major. We therefore conclude that the applicant's records should be corrected as indicated below.

---

THE BOARD RECOMMENDS THAT:

The pertinent military records of the Department of the Air Force relating to APPLICANT be corrected to show that:

- a. He entered extended active duty (EAD) in the Air Force on 5 October 1997 rather than 1 November 1997.
- b. He be considered for promotion to the grade of major by a Special Selection Board for the CY98B Major Biomedical Sciences Corps Central Selection Board, which convened on 6 April 1998.

---

The following members of the Board considered this application in Executive Session on 19 May 1998, under the provisions of AFI 36-2603:

Ms. Patricia J. Zarodkiewicz, Panel Chair  
Mr. Jackson A. Hauslein, Member  
Mr. Robert W. Zook, Member

All members voted to correct the records, as recommended. The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 7 Jan 98, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, HQ AFPC/DPPPO, dated 23 Jan 98.
- Exhibit D. Letter, SAF/MIBR, dated 9 Feb 98.
- Exhibit E. Letter from applicant, dated 5 Mar 98, w/atchs.

  
PATRICIA J. ZARODKIEWICZ  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

JUN 30 1998

Office of the Assistant Secretary

AFBCMR 98-00042

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The pertinent military records of the Department of the Air Force relating to [REDACTED], be corrected to show that:

- a. He entered extended active duty (EAD) in the Air Force on 5 October 1997 rather than 1 November 1997.
- b. He be considered for promotion to the grade of major by a Special Selection Board for the CY98B Major Biomedical Sciences Corps Central Selection Board, which convened on 6 April 1998.

  
JOE G. LINEBERGER  
Director  
Air Force Review Boards Agency



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

23 JAN 1998

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPPO  
550 C Street West Suite 8  
Randolph AFB TX 78150-4710

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. Applicant requests waiver of the six-month extended active duty eligibility requirement in order to be considered by the CY98B Major Biomedical Sciences Corps (BSC) Central Selection Board.

Basis for Request. Applicant contends that due to the administrative processing of a correction to his DD Form 214, his entry onto active duty was delayed.

Discussion.

a. Application is timely. Applicant entered extended active duty (EAD) in the Air Force on 1 Nov 97 with a date of rank (DOR) to captain of 2 Jul 91.

b. The CY98B Major BSC Central Selection Board will convene on 6 Apr 98. While the applicant meets the DOR criteria for this board, 1 Jan - 31 Dec 91, he does not meet the EAD requirement of 6 Oct 97 or earlier. Therefore, the applicant is NOT eligible for the 6 Apr 98 board. Given his DOR and EAD, he will be scheduled for the first board he is eligible to meet. The next major BSC board is tentatively projected for early CY99.

c. The six-month EAD requirement is outlined in AFI 36-2501, *Officer Promotions and Selective Continuation*, 1 Mar 96, [REDACTED] "Officers are not eligible for consideration by a selection board or for promotion if they: (A2) 5.3) Have not been on extended active duty at least 6 consecutive months immediately before the central selection board's convening date. Exceptions are nonline first lieutenants being considered for captain and M C and DC captains being considered for major."

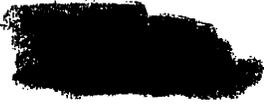
d. Although the applicant requests a waiver to the six-month EAD requirement because he was delayed through no fault of his own, there is no requirement for officers to be accessioned onto active duty for the purpose of promotion board consideration. Since there is no accession requirement, there cannot be a delay.

Recommendation: Denial.

9800042

**Summary:** *The six-month EAD requirement for promotion eligibility supports the objective of the Air Force Officer Promotion Program by allowing time for an officer to compete with his or her peers in a fair and competitive selection process. Waiving the six-month EAD requirement may not necessarily afford the applicant a fair opportunity to compete for promotion. Further, waiving the six-month EAD requirement will allow the applicant an advantage not offered to others in similar situations. We have no recommendations if the Board elects to grant relief over our objections.*

POC: Mr. Gil Torre, DSN 487-5602.



*K. Gayle Staten*

KATHRYN G. STATEN, Lt Col, USAF  
Chief, Officer Promotion and Appointment Branch  
Directorate of Personnel Program Management

9800042

---